HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.26985 of 1999

Dated 9th day of July, 2007

Between:

Rodda Subbaram
and two others ..
Petitioners

And

The Revenue Divisional Officer,
Madanapalli, Chittoor District
and two others ..
Respondents

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O R D E R:

This writ petition is filed to quash the Show Cause Notice dated 18.8.1998 issued by the 2nd respondent-Mandal Revenue Officer.

The petitioners assert that on 8.7.1996, they purchased the land of an extent of Ac.10.65 cents in S.No.117 situated in Pattamvandlapalli village, Pattamvandlapalli Mandal, Madanapalli Sub-Division, Chittoor District by virtue of a registered sale deed and since then they have been in possession and enjoyment of it. Now, their grievance is that on 18.8.1998, the 2nd respondent issued a Show Cause Notice stating that the land in question was alienated by the petitioners in contravention to the provisions under Sub-section (2) of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and directed them to submit their explanation within 15 days from the date of receipt of the notice as to why they should not be summarily evicted from the land in question. Further, the 2nd respondent, with a *mala fide* intention to deprive them of their rights, granted "D" form patta in favour of 3rd respondent to an extent of Ac.0.36 cents in S.No.1117-3 out of Ac.10.65 cents without passing any order of eviction.

In spite of the fact that the respondents are served with notices, they have not chosen to file counter affidavit.

As it is a mere notice directing the petitioners to offer their explanation, and according to them, they had already offered their explanation on 24.9.1998 stating that they bought the land in question by virtue of a registered sale deed for a valid consideration of Rs.1,20,000/-, this Court deems it appropriate to direct the respondents to consider the explanation of the petitioners and pass appropriate orders in accordance with law. Till such time, the petitioners shall not

be evicted from the land in question.

With the above direction, the writ petition is disposed of. No costs.

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09.07.2007

bcj